

HALL COUNTY BOARD OF SUPERVISORS MEETING OCTOBER 23, 2001

CALL TO ORDER – The meeting was called to order by Chairman Richard Hartman.

INVOCATION – Invocation was given by Rev Lonnie Logan.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was given in unison.

ROLL CALL - Present on roll call were Scott Arnold, Jim Eriksen, Richard Hartman, Bob Humiston, Bud Jeffries, Pamela Lancaster, and Lonnie Logan. Also present were County Attorney Jerry Janulewicz and representatives from the *Grand Island Independent* and KRGJ.

CONSENT AGENDA - Lancaster made a motion and Jeffries seconded to approve the following by consent agenda:

1. Accept and place on file the minutes of the October 9th meeting
2. 4a Approve Proclamation #01-0070 for National Home Care Month
3. 4b Approve Proclamation #01-0071 for National Hospice Month
4. 5a Accept and place on file the Public Works Department Quarterly Report
5. 5b Approve Resolution # 01-0068 for Kuester's Lake snow removal
6. 5c Authorize the Chair to sign the certification for Project BR07040(21)
7. 5d Authorize the Chair to sign the Supplemental Agreement for Project STPE2235-(2) with Rockwell & Associates
8. 12 Accept and place on file the final tax rates for 2001-2002
9. 23 Accept and place on file the office reports from the Register of Deeds, Clerk of the District Court and the County Attorney Statistical Report
10. 24 Accept and place on file the Hall County Treasurer's Miscellaneous Receipts
11. 25 Accept and place on file communications as received

Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

OFFICE REPORT
REGISTER OF DEEDS
SEPTEMBER 2001

DOCUMENTARY STAMP FEES	\$ 3,987.70
RECORDING FEES	18,311.50
PHOTO FEES	987.90

OFFICE REPORT
CLERK OF THE DISTRICT COURT
SEPTEMBER 2001

FEES & INTEREST ON ACT #2-200-4	\$3,674.94
INTEREST EARNED ON ACT #114-0090191	1.26
INTEREST EARNED ON ACT #7-396-2	18.57

2a COUNTY ATTORNEY – CONSIDER AND APPROVE RESOLUTION ELIMINATING RAIL CROSSING AT UNION PACIFIC RAILROAD AND WILDWOOD AND SCHIMMER ROAD: County Attorney Jerry Janulewicz was present and stated that the public hearing on this matter had been held and the legal description for the road that is to be closed has been completed. He recommended approval of the resolution. Hartman stated that the concern on the turn around area for equipment has been taken care of. Jeffries made a motion and Lancaster seconded to approve Resolution #01-0069 vacating those segments of Wildwood Drive and Schimmer Drive within the Right-of-way of the Union Pacific Railroad. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

RESOLUTION #01-_____

A RESOLUTION VACATING THOSE SEGMENTS OF WILDWOOD DRIVE AND SCHIMMER DRIVE LYING WITHIN THE RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY WITHIN HALL COUNTY, NEBRASKA

WHEREAS, the Nebraska Department of Roads and the Union Pacific Railroad Company filed a petition for the elimination of certain county road railroad crossings including, among others, the crossings at Wildwood Drive and at Schimmer Drive; and

WHEREAS, The Hall County Board of Supervisors, pursuant to Neb.Rev.Stat. §39-1722 directed the Hall County Public Works Director to study the use being made of such public road crossings and to submit in writing to the county board within thirty days, a report upon the study made and her recommendation as to the elimination and vacation of the crossings; and

WHEREAS, the Hall County Board of Supervisors received the report of the study made and recommendations as to the elimination and vacation of the above-described railroad crossings; and

WHEREAS, Neb.Rev.Stat. §39-1724 requires that upon receipt of such a report the county board shall adopt a resolution fixing the time, date, and place for public hearing and provide notice thereof by publication and by registered or certified mail upon the owners of land abutting on or adjacent to the road to be vacated or abandoned by mailing the same to the last-known address of each owner not less than two weeks in advance of the hearing; and

WHEREAS, on August 28, 2001 at a regular meeting of the Hall County Board of Supervisors a public hearing was on the proposed elimination and vacation of the above-described crossings.

NOW BE IT RESOLVED as follows:

- 1) Notice of the public hearing on the proposed vacation or abandonment of the above-described road was provided as required by law.
- 2) In the interests of public safety, it is hereby ordered that the county road railroad crossing at Wildwood Drive and the Union Pacific Railroad be hereby eliminated and the following described county road right-of-way lying within the railroad right-of-way be vacated, to wit:

A tract of land comprising a part of the Southwest Quarter (SW1/4), of Section Six (6), and a part of the Northwest Quarter (NW1/4) of Section Seven (7), all in Township Ten (10) North, Range Ten (10) West of the 6th P.M., in Hall County, Nebraska, and more particularly described as follows:

Beginning at the southeast corner of said Southwest Quarter (SW1/4); thence running westerly along the south line of said Southwest Quarter (SW1/4), and the north line of said Northwest Quarter (NW1/4), a distance of Six Hundred Forty One and Twenty Nine Hundredths (641.29) feet, to the ACTUAL point of beginning; thence deflecting left 90°00'00" and running southerly a distance of Thirty Three (33.0) feet; thence deflecting right 90°00'00" and running westerly parallel with and Thirty Three (33.0) feet south of the north line of said Northwest Quarter (NW1/4), a distance of One Thousand Two Hundred Forty Nine and Nine Tenths (1249.90) feet, to a point on the southeasterly right of way line of the Union Pacific Railroad; thence deflecting right 149°06'15" and running northeasterly along the southeasterly right of way line of the Union Pacific Railroad, a distance Sixty Four and Twenty Seven Hundredths (64.27) feet, to a point on the north line of said Northwest Quarter (NW1/4), and the south line of said Southwest Quarter (SW1/4); thence deflecting right 30°53'45" and running easterly along the south line of said Southwest Quarter (SW1/4), and the north line of said Northwest Quarter (NW1/4), a distance of One Hundred Ninety Four and Seventy Five Hundredths (194.75) feet, to a point on the southeasterly right of way line of the Union Pacific Railroad; thence deflecting left 30°53'45" and running northeasterly along the southeasterly right of way line of the Union Pacific Railroad, a distance of Sixty Four and Twenty Seven Hundredths (64.27) feet, to a point Thirty Three (33.0) feet north of the south line of said Southwest Quarter (SW1/4); thence deflecting right 30°53'45" and running easterly parallel with and Thirty Three (33.0) feet north of the south line of said Southwest Quarter (SW1/4), a distance of Nine Hundred Forty Four and Eighty

Five Hundredths (944.85) feet; thence deflecting right 90°00'00" and running southerly, a distance of Thirty Three (33.0) feet, to the ACTUAL point of beginning and containing 1.663 acres more or less.

- 3) In the interests of public safety, it is hereby ordered that the county road railroad crossing at Schimmer Drive and the Union Pacific Railroad be hereby eliminated and the following described county road right-of-way lying within the railroad right-of-way be vacated, to wit:

A tract of land comprising a part of the Southeast Quarter (SE1/4) of Section Thirty Two (32), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., and a part of the Northeast Quarter (NE1/4), of Section Five (5), Township Ten (10) North, Range Ten (10) West of the 6th P.M., all in Hall County, Nebraska, and more particularly described as follows: Beginning at the southeast corner of said Southeast Quarter (SE1/4); thence running westerly along the south line of said Southeast Quarter (SE1/4), and the north line of said Northeast Quarter (NE1/4), a distance of Thirty Three (33.0) feet, to the ACTUAL point of beginning; thence running southerly parallel with and Thirty Three (33.0) feet west of the east line of said Northeast Quarter (NE1/4), a distance of Thirty Three (33.0) feet; thence running westerly parallel with and Thirty Three (33.0) feet south of the north line of said Northeast Quarter (NE1/4), a distance of approximately One Thousand Eighteen and Twenty Two Hundredths (1018.22) feet, to a point on the southeasterly right of way line of the Union Pacific Railroad; thence deflecting right 148°52'52" and running northeasterly along the southeasterly right of way line of the Union Pacific Railroad, a distance of Sixty Three and Eighty Five Hundredths (63.85) feet, to a point on the north line of said Northeast Quarter (NE1/4), and the south line of said Southeast Quarter (SE1/4); thence deflecting right 31°07'08" and running easterly along the south line of said Southeast Quarter (SE1/4) and the north line of said Northeast Quarter (NE1/4), a distance of One Hundred Ninety Three and Five Tenths (193.50) feet, to a point on the southeasterly right of way line of the Union Pacific Railroad; thence deflecting left 31°07'08" and running northeasterly along the southeasterly right of way line of the Union Pacific Railroad, a distance of Sixty Three and Eighty Five Hundredths (63.85) feet, to a point Thirty Three (33.0) feet north of the south line of said Southeast Quarter (SE1/4); thence deflecting right 31°07'08" and running easterly parallel with and Thirty Three (33.0) feet north of the south line of said

Southeast Quarter (SE1/4), a distance of approximately Seven Hundred Fifteen and Four Tenths (715.40) feet, to a point Thirty Three (33.0) feet west of the east line of said Southeast Quarter (SE1/4); thence running southerly parallel with and Thirty Three (33.0) feet west of the east line of said Southeast Quarter (SE1/4), a distance of Thirty Three (33.0) feet, to the ACTUAL point of beginning and containing 1.313 acres more or less.

- 4) The Hall County Public Works Director is directed to coordinate and cooperate with the Nebraska Department of Roads and the Union Pacific Railroad Company and shall take such action as necessary to close and eliminate the above-described crossings. Within thirty days following the closure of each crossing to public traffic, the Public Works Director shall file a certified copy of this resolution with the Hall County Register of Deeds to be indexed against all affected lots.

Resolution moved by Supervisor _____.

Seconded by Supervisor _____.

Vote:

Supervisor Arnold:	For ____; Against ____; Abstained ____; Not Present ____.
Supervisor Eriksen:	For ____; Against ____; Abstained ____; Not Present ____.
Supervisor Hartman:	For ____; Against ____; Abstained ____; Not Present ____.
Supervisor Humiston:	For ____; Against ____; Abstained ____; Not Present ____.
Supervisor Jeffries:	For ____; Against ____; Abstained ____; Not Present ____.
Supervisor Lancaster	For ____; Against ____; Abstained ____; Not Present ____.
Supervisor Logan:	For ____; Against ____; Abstained ____; Not Present ____.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2001.

HALL COUNTY BOARD OF
SUPERVISORS

Richard Hartman, Chairman of the Board
of Supervisors

Marla J. Conley, Hall County Clerk

2b DISCUSS LOCATING JUVENILE DIVERSION IN THE BELTZER BUILDING: County Attorney Jerry Janulewicz stated he would like direction from the County Board on moving the Juvenile Diversion office to the Beltzer Building. He stated that there would be sufficient room in the new building once they move and even in the future. The office will be located on the third floor. Hartman requested that they wait to discuss this item.

10 REUSE COMMITTEE – MOTION TO RESCIND THE FOLLOWING MOTION ADOPTED DECEMBER 19, 2000 “NOT TO APPROVE OTHER DESIGNATIONS OF LAND AT THE CHAAP FOR THE LAND THAT WAS DESIGNATED IN THE ORIGINAL PLAN: The reuse committee met and discussed this matter. Jeffries made a motion and Lancaster seconded to rescind the following motion adopted December 19, 2000 “not to approve other designations of land at the Cornhusker Army Ammunition Plant except for the land that was designated in the original plan.” Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

11 DISCUSS AND TAKE ACTION ON DESIGNATION LOAD LINES 1-4 TO NPR – Jeffries made a motion and Logan seconded that NPPD be designated as transferee of tract 32, 33, 35 and 36 which includes load lines 1, 2, 3 and 4 for the purpose of building a power plant and that the County Board make no further designation of transferees. Discussion – Eriksen stated that he supports the motion but he would like to throw out one thing for consideration. He questioned if a time schedule should be put on the negotiation process between the Army and NPPD, they could allow a two or three year process. Hartman stated that he doesn't think that this is a problem. Jeffries stated that he doesn't think this is necessary. Lancaster questioned if any one in the audience wanted to address this. She stated that she does not think this is necessary. Jeffries stated that if this needs to be addressed in the future it could be discussed again. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

7 DISCUSS AND RESPOND TO HEALTH DEPARTMENT LETTER – The board members received a letter from the Health Department requesting the following:

- An acceptable definite date for occupancy
- A date when Hall county will demolish the current Health Department and convert it for additional parking
- The amount of money the County will contribute for an addition onto the current building

Discussion was held and the county has not determined a date when the old building will be destroyed because they may use it for temporary space for the public defender and the probation office. Logan stated that there are other options that may be considered for the office space for the public defender and probation office. Arnold also expressed concerns on destroying the old health department building. The building will be available by November 1, 2002.

When the county attorney office moves, it will free up some parking spaces because the new property will have additional 20 spaces. Logan suggested that the city and the county might want to discuss the parking situation and look at

other options. The board does not have a firm date for the removal of the old health department building.

Arnold stated that he would like to have the Health Department provide the county board with information on the needs of the department and the proposed plans for the remodeling. Discussion was held on the amount of money that the county would have available and at one time there was \$50,000.00 set aside for remodeling. Eriksen stated that the Health Board wants clarification on these matters and he stated that Ms. Simpson is working with an architect on the remodeling now. The parking is a problem and he realizes that this may not be able to be solved in a year. He stated that he would take this information back to the health board. The health department also has some money set aside in the building fund. Lancaster stated that it is important that the public is aware that the county is not leaving the health department out on a limb and there are other funding sources that may be available for the move. The LB 692 money may be used for this. Board Assistant Stacy Ruzicka was instructed to send a letter responding to the Health Board's questions.

Logan stated that the board received a letter requesting to remove trees from Luzenac property and wants to transplant the trees somewhere else. This will be put on agenda for the next meeting.

9 DISCUSSION REGARDING JUVENILE SERVICES PLANNING GRANT APPLICATION – The Nebraska Crime Commission approved funds for updating the juvenile services plan last year and there are planning grants of \$2,500.00 available. MidPlains Center has filed an application for the grant. The County Board received a letter from the crime commission concerning the application. Arnold expressed concerns that the grant was signed and filed without the county board's knowledge. He stated that he is disappointed that the county was not included in the process. Hall County does not have a person in place to do this and once the plan is in place there will be additional dollars available. Hartman stated that MidPlains would pull out of the process if the county board wants them to. Arnold requested that this matter be tabled until after the executive session. Lancaster stated that all grants that are applied for are in the name of Hall County and this needs to go through the County Board. If the County is responsible the board needs to be informed. She stated that the county should receive some administrative costs for the grants that are received. This will be discussed later.

Chairman Hartman called for a break

10:00 a.m. returned to session

10:00 A.M. PUBLIC HEARING FOR ILLINOIS PCS INC FOR CONDITIONAL USE PERMIT - Logan made a motion and Jeffries seconded to open the public

hearing for Illinois PCS. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

Jeffries stated that this is a request for a conditional use permit for a tower on the county line on the Hall County side. Max Boersen stated that he sent letters to the property owners and no one contacted him concerning the request for the tower. This is a 190-foot tower but I may go to a 250-foot tower. Discussion was held on the set back on the tower. Regional Planning Director Chad Nabity stated that they cannot locate on any other tower and they have requested a permit for 190-foot tower. If they need to change this in the future it can be addressed again.

Logan made a motion and Humiston seconded to close the public hearing. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

Logan made a motion and Jeffries seconded to approve the conditional use permit for Illinois PCS. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

Chairman Hartman called for a break until the next public hearing.

10:05 a.m. break

10:10 a.m. returned to session

6b 10:15 A.M. PUBLIC HEARING FOR CONDITIONAL USE PERMIT FOR BURLINGTON NORTHERN SANTA FE RAILROAD: Logan made a motion and Jeffries seconded to open the public hearing. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

Jeffries stated that the committee met on this conditional use permit and it is a renewal for the railroad. It is located by Cairo. Chairman Hartman called for public participation and no one responded. The committee recommended to renew the conditional use permit for five years.

Logan made a motion and Lancaster seconded to close the public hearing. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

Jeffries made a motion and Humiston seconded to approve the renewal for the conditional use permit for Burlington Northern Santa Fe Railroad. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

8a EXECUTIVE SESSION PERSONAL – Jeffries made a motion and Logan seconded to go into executive session. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

10:17 a.m. executive session

10:25 a.m. Arnold made a motion and Logan seconded to go out of executive session. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

9 CONTINUED DISCUSSION REGARDING JUVENILE SERVICES PLAN
Lancaster made a motion and Arnold seconded to refer the juvenile services planning grant application to the juvenile services committee for a recommendation. Logan stated he would vote against this motion because he would like to see Mid Plains continue with the application process. Arnold expressed his concern on the letter from the crime commission and that the county needs to be involved in the process. The letter stated that there are conditions on the approval of the grant as it was submitted. He would like to have the juvenile committee to review the grant application and reapply. Lancaster stated this is not a negative remark, they only want the county involved and neighboring counties could also be involved. When Hall County puts their name on a grant the County Board needs to be involved. The committee will review the application and bring it back for the boards approval. The vote on the motion was taken. Arnold, Eriksen, Hartman, Humiston, Jeffries and Lancaster all voted yes and Logan voted no. Motion carried.

CONTINUE DISCUSSION ON MOVING JUVENILE DIVERSION TO BELTZER BUILDING – Jeffries made a motion and Logan seconded to approve moving the juvenile diversion office to the Beltzer building. Lancaster asked County Attorney Jerry Janulewicz if he had a recommendation and he stated that he had talked to Troy Chandler and reviewed the floor plans with him and Mr. Chandler did not have any objections. Logan expressed concern about having to move the office again if the probation office moved. Hartman questioned if the juvenile diversion department should be under the county attorney. He stated that if the diversion office were in the county attorney building Jerry Janulewicz would know if there were problems. It was suggested that the diversion committee have regular meetings with the director. Arnold expressed concern that putting the diversion office there may not be the best for the long-range plan. The vote was taken on the motion to approve moving the juvenile diversion office. Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and Arnold voted no. Motion carried.

COMMENCE AUDIT OF MONTHLY CLAIMS AND ACTION ON CLAIM AUDIT:
The board members reviewed the claims and Lancaster commented on the high medical expenses again this month. Lancaster made a motion and Jeffries seconded to approve the claims as audited and authorize the clerk to pay.

Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none vote no. Motion carried.

BOARD ASSISTANT'S REPORT – Stacey Ruzicka stated that the progress report was in the packets on the upcoming meetings and reminded the board that there will be an ADA committee meeting at noon.

BOARD MEMBER'S REPORTS – Logan - He attended the reuse committee meeting and the corrections committee meeting and he thanked Stacey for the donuts.

Lancaster - She attended the CVB meeting the Senior Citizens meeting and the audit committee meeting and also the personal committee meeting. She asked if some one could attend the College Park meeting because she has a meeting in Hastings for Midland Area Agency on Aging.

Eriksen – He stated that his meetings were all reported on.

Humiston – He attended the audit committee meeting, the computer committee meeting, Economic Development and there will be an ADA meeting.

Arnold – He stated that he testified at the legislative interim study in Lincoln on the inmate medical services. He mentioned that Senator Chambers was not present during his testimony and wanted to know why state would be responsible for paying the inmate medical costs, but Arnold stated that people are arrested because of state laws passed by the legislature. The counties need to have the state involved and give the counties some tools to obtain funds to pay for the medical expenses and also give clarification on what the county is responsible for.

Hartman – He attended CNCS in Loup City and stated that if there is concern that CNCS will bid on the Hall County Head Start program they may not because they have several programs to cover.

Jeffries – He stated he attended the reuse committee and they met with Economic Development Corporation with the power plant issue. He also attended the classification committee meeting regarding the change of a job and classification for an employee. He also attended a meeting on used oil collection. He would like to have Hall County be the lead county in the oil collection process. Discussion was held and Betty Curtis with Clean Community System distributed information to the board members. Jim Eriksen is on a committee that addresses this issue and this information was give to Mr. Eriksen and he was asked to contact Betty Curtis.

NEW OR UNFINISHED BUSINESS – Chairman Hartman called for new or unfinished business and no one responded.

Meeting adjourned at 11:15 a.m. The next meeting will be November 13, 2001 at 9:00 a.m.

Marla J. Conley Hall County Clerk

Reminder – the County Board meetings may be viewed on GITV Cable Channel 6 and UHF Channel 56 Wednesday at 8:00 p.m. and Friday at 8:00 a.m.